

Urban Areas Coalition

City of Kansas City
City of St. Joseph
Little Blue Valley Sewer District
Metropolitan St. Louis Sewer District
City of Columbia
City of Moberly
City of Jefferson City
City of Independence
City of Macon
City of Springfield
City of Joplin

December 16, 2004

Ms. Marlene Kirchner
Commission Secretary
Missouri Clean Water Commission
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102

Re: Comments on the Regulatory Impact Report for Proposed Rule Amendment 10
CSR 20-7.015 Effluent Regulations

Dear Ms. Kirchner:

The Urban Areas Coalition (UAC) has completed a review of the "Regulatory Impact Report for Proposed Rule Amendment 10 CSR 20-7.015 Effluent Regulations" (RIR) prepared by the Missouri Department of Natural Resources (DNR). This letter is intended to express our support for revision of this important document and to seek clarification on the process that DNR will use to address comments on the RIR. Our principle concerns are included in this letter, whereas the attachment to this letter provides specific, technical comments on the RIR.

We understand that the proposed changes to the Effluent Regulations are largely intended to reflect changes being proposed to the Water Quality Standards (10 CSR 20-7.031). We have commented on the RIR associated with the Water Quality Standards under separate letter. We commend the DNR for taking steps to move ahead with these important changes. We understand that the proposed rules are in response to a letter from EPA on September 8, 2000 that disapproved some portions of the Water Quality Standards and that the proposed rules are the first phase of a three-phase schedule to address the issues raised by EPA. We also understand that the Missouri Coalition for the Environment has sued EPA to force the state to promptly comply with these issues. We are concerned, however, that the RIR does not meet the intent of 640.015 RSMo which, as stated in the RIR, is to:

- Provide a summary of information, discussion, input, and rationale used by DNR in development of the draft rule; and
- Ensure accountability, consistency, and transparency in the rulemaking process.

We believe the current version of the RIR sets a poor precedent for future environmental rulemaking in the state. More specifically, we believe the RIR is not acceptable as written because the RIR:

- Does not adequately identify nor describe all persons that will be affected by the proposed rule, specifically those that will bear the costs;
- Does not provide supporting information to justify the proposed compliance schedules;
- Fails to quantify the incremental environmental benefits of the proposed rule and relies on subjective and inappropriate statements when describing environmental benefits;
- Does not adequately describe the economic costs of the proposed rule and lacks sufficient backup information to support the economic analyses that were presented; and
- Does not consider the impact of the proposed rule on wet weather discharges, including urban stormwater runoff, POTW peak flows, combined sewer overflows, and agricultural runoff.

These issues are commented on in detail in the attachment to this letter. We would be happy to meet with you to discuss what actions could be taken to address these concerns. The UAC appreciates your consideration of these comments. We also ask that you clarify the process that DNR will use for posting and responding to significant comments on the RIR prior to promulgation of the rule so that we can better understand the process and develop a plan to work with you to resolve these issues.

Please feel free to contact us should you have any questions related to these issues.

Sincerely,



Susan M. Myers
Urban Areas Coalition
2350 Market Street
St. Louis, MO 63103
(314) 768-6366
(314) 768-6279 FAX
smyers@stlmsd.com

C:
Commissioner Thomas Herrmann
UAC members

**“Regulatory Impact Report for Proposed Rule Amendment
10 CSR 20-7.015 Effluent Regulations”**

The following comments have been arranged by the section headings in the Regulatory Impact Report (RIR).

1. Does the rulemaking adopt rules from the US Environmental Protection Agency or rules from other applicable federal agencies without variances?

Note that paragraph 8 of 640.015 RSMo waives the requirement to develop a RIR if federal rules are adopted without variance. This could be interpreted to mean that other rule changes could be included in the proposed rules package as long as they are adopted from federal rules without variance. For example, if the effluent rules package included requirements for permitting of CSOs to conform to the Federal CSO Control Policy, then no RIR or modifications to these RIRs would be required.

Comment: We ask the DNR to clarify that, in accordance with paragraph 8 of 640.015 RSMo, federal rules adopted without variance do not require a RIR and, as such, could be included in the proposed rules package without being specifically addressed in the RIR.

2. Report on peer-reviewed scientific data used to commence the rulemaking process.

Comment: The RIR states that the proposed rules are administrative and do not involve science. Yet throughout the RIR the DNR states that the proposed compliance schedules are reasonable. No supporting information related to financial capability of the impacted entities has been provided to justify the compliance schedules. Also, an assessment of the required timeframe for design, permitting, and construction in order to achieve compliance within the proposed schedules has not been presented.

3. Description of persons who will most likely be affected by the proposed rule, including persons that will bear the costs of the proposed rule and persons that will benefit from the proposed rule.

Comment: The report should state that any person or entity served by a public or private sewer system, any person living within a Municipal Separate Storm Sewer System (MS4), any entity responsible for a permitted discharge, and any person or entity responsible for stormwater runoff, including agricultural runoff, may be affected and bear the costs.

4. Description of the environmental and economic costs and benefits of the proposed rule.

The discussion of Economic Costs refers to the Water Quality Standards RIR. The following comments apply to the economic costs presented in the Water Quality Standards RIR.

Comment: The information presented there does not include sufficient detail to review the adequacy of the cost estimates. The following cost considerations should be included and addressed in the RIR:

- Unit rate assumptions used in the RIR should be described.
- Financing and life cycle costs should be included.

- Costs for dechlorination should be considered for any facility assumed to use chlorine disinfection.
- Costs for additional filtration should be considered for any facility assumed to use UV disinfection.

Comment: The RIR should list all individual POTWs along with the flows used in the cost estimates, assumptions for each facility, and the cost per facility. For example, the UAC believes that there are more than 7 POTWs with flows greater than 20 MGD that may be impacted by the proposed rule changes.

Comment: In developing costs for POTWs it is unclear what flows were used. If design flows were used, consideration of peak flows should be included in the costs.

Comment: Costs for complying with the proposed rules for whole body contact recreation (WBCR) and bacteria criteria should also be estimated for wet weather discharges including: peak flow treatment facilities; combined sewer systems; municipal separate storm sewer systems (MS4s); and agricultural facilities. This is an extremely important issue that the RIR has overlooked.

Comment: The cost of conducting Use Attainability Analyses (UAAs) should be included for all facilities that currently discharge to streams that have not been designated for WBCR.

Comment: Facilities will initially have to test for both fecal coliform and *E. coli*, therefore, costs for both should be included in Table 4.

Comment: Costs have not been presented for facilities that may be impacted by the proposed elimination of a mixing zone allowance for Class C streams and where 7Q10 flows are less than 0.1 cfs.

Comment: Costs have not been presented for facilities that may need to improve treatment to meet new metals and toxics criteria.

Comment: The RIR discussion of effects on small business only includes wastewater treatment facilities that would be required to install disinfection. The RIR should be expanded to include other small businesses likely to be affected by the WQS rulemaking. For example, all types of small businesses with sanitary sewer connections may be subject to sewer rate increases as a result of wastewater treatment facility upgrades that will be required as a consequence of this rule. Small electroplating and metal finishing businesses could experience additional treatment costs as publicly owned treatment works adjust local pretreatment limits in order to comply with stricter metals limitations in discharge permits.

5. Probable cost to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue.

The discussion of costs to the agency refers to the Water Quality Standards RIR. The following comments apply to the discussion presented in that RIR.

Comment: The cost to the agency does not include consideration of the cost of developing and implementing TMDLs. It should be assumed that the majority of reaches affected by stormwater runoff will require TMDLs for bacteria.

Comment: The cost to the agency does not include recalculation of effluent limits due to changes in ammonia, metals, and other criteria. This effort will likely increase the cost of permit renewals.

Comment: The cost to the agency for development of an anti-degradation implementation procedure has not been addressed.

6. Comparison of the probable costs and benefits of the proposed rule to the probable cost and benefits of inaction, which includes both economic and environmental costs and benefits.

Comment: The RIR states that without schedules or effective dates in the effluent rule, immediate action to upgrade treatment would be required upon the effective date of WQS revisions. This is inaccurate. The existing WQS rule at 10 CSR 20-7.031(10) states that “Compliance with new or revised National Pollutant Discharge Elimination System (NPDES) or Missouri operating permit limitations based on criteria in this rule shall be achieved with all deliberate speed and no later than three (3) years from the date of issuance of the permit.” The proposed implementation schedule to be added to the Effluent Regulations is beneficial in the respect that it adds UAA provisions to the state rule.

Comment: The phrase “What is the price of good health?” should be stricken as it is subjective and assumes that public health is actually being adversely affected. “Good health” is not necessarily a direct outcome of the proposed rule changes.

Comment: The RIR implies that failure to enact the rule could result in lowered health of citizens and diminished resources. No peer-reviewed scientific data are provided to support this. Inaction would maintain the current level of protection provided by the existing rules and the proposed rules would result in some incremental improvement that the RIR should attempt to quantify.

Comment: Information should be provided regarding the risk of waterborne diseases due to sewage relative to the risk of foodborne illnesses or zoonoses. Information also exists to provide economic valuation to recreational resources that the state believes will be improved if the proposed changes are adopted (e.g., value of beaches or other primary contact recreation areas and closure costs).

Comment: The RIR states that “The faster these standards are achieved, the sooner these benefits are realized” when referring to attracting tourism and industry to the state. No supporting information has been provided regarding the potential increase in tourism or industry related to the proposed rules.

7. Determination of whether there are less costly or less intrusive methods for achieving the proposed rule.

Comment: The RIR states that the proposed schedules and effective dates “should provide adequate time for the regulated entities to achieve compliance” but provides no supporting information related to financial capability and timeframes for design, permitting and construction of required improvements to POTWs.

8. Description of any alternative method for achieving the purpose of the proposed rule that were seriously considered by the department and the reasons why they were rejected in favor of the proposed rule.

Comment: The RIR states that “the proposed schedules and effective dates were developed in conjunction with EPA” considering “present social-economic conditions in effected communities as well as the technological capabilities of the regulated entities” but provides no supporting information. Specifically, information related to the financial capability and timeframes for design, permitting and construction of required improvements to POTWs should be included.

9. Analysis of both short-term and long-term consequences of the proposed rule.

Comment: The RIR states “Improvements in water quality should result once these upgrades are completed” but does not provide supporting information related to the expected water quality improvements.

10. Explanation of the risks to human health, public welfare or the environment addressed by the proposed rule.

No comment.

11. Identification of the sources of scientific information used in evaluating the risk and a summary of such information.

No comment.

12. Description and impact statement of any uncertainties and assumptions made in conducting the analysis on the resulting risk estimate.

No comment.

13. Description of any significant countervailing risks that may be caused by the proposed rule.

Comment: The RIR does not consider countervailing risks associated with chlorine disinfection for CSOs or stormwater that may be required to comply with the proposed rules.

Comment: The RIR does not adequately describe the risks to public safety posed by potential chlorine releases.

14. Identification of alternative regulatory approaches that will produce comparable human health, public welfare or environmental outcomes.

Comment: The RIR states “The schedules proposed are believed to represent the most reasonable balance between the need for environmental and health protection and the need for time to upgrade water treatment” but provides no supporting information on the existing environmental and health risks and the time needed to upgrade treatment.

15. Information on how to provide comments on the RIR during the 60-day public comment period before the rule is provided to the Secretary of State.

Comment: Please clarify the process that DNR will use for posting and responding to significant comments on the RIR prior to promulgation of the rule so that we can better understand the process and develop a plan to work with you to resolve important issues.

16. Information on how to request a copy of comments or the web information about where comments will be located.

Comment: See Comment on Section 15 above.



KANSAS CITY
MISSOURI

Water Services Department

Office of the Director

4800 East 63rd Street
Kansas City, Missouri 64130

(816) 513-0271
Fax: (816) 513-0185

By Facsimile (573) 526-1146

December 15, 2004

Ms. Marlene Kirchner
Commission Secretary
Missouri Clean Water Commission
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102

RE: Comments on the Regulatory Impact Report for Proposed Rule Amendment 10
CSR 20-7.015 Effluent Regulations

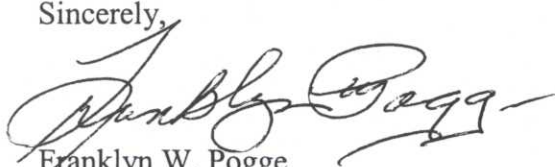
Dear Ms Kirchner:

The Urban Area Coalition (UAC) has submitted comments to the Missouri Clean Water Commission on the Regulatory Impact Report (RIR) prepared by the Department of Natural Resources to support revision to the effluent regulations in 10 CSR 20-7.015.

The City of Kansas City, Missouri, Water Services Department, fully supports the comments submitted by the UAC. We encourage the Missouri Department of Natural Resources and the Clean Water Commission to consider these comments and to provide responses that will result in an improved and effective RIR.

Please call me if you have any questions related to this matter.

Sincerely,



Franklyn W. Pogge
Director



LITTLE BLUE VALLEY SEWER DISTRICT

H.A. Jones Administration Building
21101 East 78 Highway
Independence, MO 64057
(816) 796-7660
FAX: (816) 796-5910

Atherton Wastewater Treatment Plant
21208 East Old Atherton Road
Independence, MO 64058
(816) 796-9191
FAX: (816) 796-3500

December 16, 2004

Ms. Marlene Kirchner
Commission Secretary
Missouri Clean Water Commission
Water Protection Program
P.O. Box 176
Jefferson City, Missouri 65102

Re: Comments on the Regulatory Impact Report for Proposed Rule Amendment 10
CSR 20-7.015 Effluent Regulations

Dear Ms. Kirchner:

The Little Blue Valley Sewer District has completed review of the "Regulatory Impact Report for Proposed Rule Amendment 10 CSR 20-7.015 Effluent Regulations" (RIR) prepared by the Missouri Department of Natural Resources (DNR). The purpose of this letter is two fold, to express support for the revisions and to seek clarification on the process that DNR will use to address comments on the RIR.

The Urban Areas Coalition has commented on the RIR by letter dated December 16, 2004 and sent comments on the proposed rule amendments. The Little Blue Valley Sewer District supports the UAC position. A copy of their letter and comments are attached.

Yours truly,


John D. Reece
Executive Director

Cc: Terry Satterlee

MISSION:

Our mission is to provide excellent wastewater services which protect the public health and improve the environment of our region"

VISION:

"The Little Blue Valley Sewer District will be a strong partner in regional planning and resource sharing, anticipating and responding to both environmental and economic needs"



Metropolitan St. Louis Sewer District

Office of Environmental Compliance
10 East Grand Avenue
St. Louis, MO 63147-2913
(314) 436-8710
FAX (314) 436-8753

2011-12-22 10:33
Missouri Department of Natural Resources

December 16, 2004

Ms. Marlene Kirchner
Commission Secretary
Missouri Clean Water Commission
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102

Re: Comments on the Regulatory Impact Report for Proposed Rule Amendment 10
CSR 20-7.015 Effluent Regulations

Dear Ms. Kirchner:

The Metropolitan St. Louis Sewer District (MSD) has completed a review of the "Regulatory Impact Report for Proposed Rule Amendment 10 CSR 20-7.015 Effluent Regulations" (RIR) prepared by the Missouri Department of Natural Resources (DNR). This letter is intended to express our support for revision of this important document and to seek clarification on the process that DNR will use to address comments on the RIR. Our principle concerns are included in this letter, whereas the attachment to this letter provides specific, technical comments on the RIR.

We understand that the proposed changes to the Effluent Regulations are largely intended to reflect changes being proposed to the Water Quality Standards (10 CSR 20-7.031). We have commented on the RIR associated with the Water Quality Standards under separate letter. We commend the DNR for taking steps to move ahead with these important changes. We understand that the proposed rules are in response to a letter from EPA on September 8, 2000 that disapproved some portions of the Water Quality Standards. We also understand that the Missouri Coalition for the Environment has sued EPA to force the state to promptly comply with these issues. We are concerned, however, that the RIR does not meet the intent of 640.015 RSMo which, as stated in the RIR, is to:

- Provide a summary of information, discussion, input, and rationale used by DNR in development of the draft rule; and
- Ensure accountability, consistency, and transparency in the rulemaking process.

We believe the current version of the RIR sets a poor precedent for future environmental rulemaking in the state. More specifically, we believe the RIR is not acceptable as written because the RIR:

- Does not adequately identify nor describe all persons that will be affected by the proposed rule, specifically those that will bear the costs;
- Fails to quantify the incremental environmental benefits of the proposed rule and relies on subjective and inappropriate statements when describing environmental benefits;
- Does not adequately describe the economic costs of the proposed rule and lacks sufficient backup information to support the economic analyses that were presented; and
- Does not consider the impact of the proposed rule on wet weather discharges, including urban stormwater runoff, POTW peak flows, combined sewer overflows, and agricultural runoff.

These issues are commented on in detail in the attachment to this letter. We would be happy to meet with you to discuss what actions could be taken to address these concerns. The MSD appreciates your consideration of these comments. We also ask that you clarify the process that DNR will use for posting and responding to significant comments on the RIR prior to promulgation of the rule so that we can better understand the process and develop a plan to work with you to resolve these issues.

Please feel free to contact us should you have any questions related to these issues.

Sincerely,
METROPOLITAN ST. LOUIS SEWER DISTRICT

A handwritten signature in cursive script, reading "John R. Lodderhose".

John R. Lodderhose, P.E.
Assistant Director
Environmental Compliance
(314) 436-8714



December 16, 2004

101 West Reed Street ■ Moberly, Missouri 65270-1551
 Phone: (660) 263-4420
 Fax: (660) 263-9398

Hall
 263-4420

Manager
 269-8705
 2062

Clerk
 269-8705
 2053

Enforcement/
 Licensing Inspection
 269-8705
 2038

Community
 Development
 269-8705
 2038

Finance
 269-8705
 2073

Fire Non-Emergency
 269-8705
 2036

Emergency - 911

Gasfill
 277-4843

Parks & Recreation
 263-6757

Personnel/
 Purchasing
 269-8705
 Ext. 2069

Police Non-Emergency
 263-0345

Public Works
 269-8705
 Ext. 2038
 Sanitation/
 Street Maintenance
 269-9451

Utility Billing
 263-4420

Water/Wastewater
 269-8705
 Ext. 2038

Ms. Marlene Kirchner
 Commission Secretary
 Missouri Clean Water Commission
 Water Protection Program
 P.O. Box 176
 Jefferson City, MO 65102

Re: *Comments on the Regulatory Impact Report for Proposed Rule
 Amendment 10 CSR 20-7.015 Effluent Regulations*

Dear Ms. Kirchner:

The City of Moberly wishes to support the comments and position of the Urban Areas Coalition (UAC) review of the "Regulatory Impact Report for Proposed Rule Amendment 10 CSR 20-7.015 Effluent Regulations" (RIR) prepared by the Missouri Department of Natural Resources (DNR). This letter is intended to express our support for revision of this important document and to seek clarification on the process that DNR will use to address comments on the RIR. Our principle concerns are included in this letter, whereas the attachment to this letter provides specific, technical comments on the RIR.

We understand that the proposed changes to the Effluent Regulations are largely intended to reflect changes being proposed to the Water Quality Standards (10 CSR 20-7.031). We have commented on the RIR associated with the Water Quality Standards under separate letter. We commend the DNR for taking steps to move ahead with these important changes. We understand that the proposed rules are in response to a letter from EPA on September 8, 2000 that disapproved some portions of the Water Quality Standards and that the proposed rules are the first phase of a three-phase schedule to address the issues raised by EPA. We also understand that the Missouri Coalition for the Environment has sued EPA to force the state to promptly comply with these issues. We are concerned, however, that the RIR does not meet the intent of 640.015 RSMo which, as stated in the RIR, is to:

- Provide a summary of information, discussion, input, and rationale used by DNR in development of the draft rule; and
- Ensure accountability, consistency, and transparency in the rulemaking process.

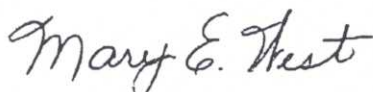
We believe the current version of the RIR sets a poor precedent for future environmental rulemaking in the state. More specifically, we believe the RIR is not acceptable as written because the RIR:

- *Does not adequately identify nor describe all persons that will be affected by the proposed rule, specifically those that will bear the costs;*
- *Does not provide supporting information to justify the proposed compliance schedules;*
- *Fails to quantify the incremental environmental benefits of the proposed rule and relies on subjective and inappropriate statements when describing environmental benefits;*
- *Does not adequately describe the economic costs of the proposed rule and lacks sufficient backup information to support the economic analyses that were presented; and*
- *Does not consider the impact of the proposed rule on wet weather discharges, including urban stormwater runoff, POTW peak flows, combined sewer overflows, and agricultural runoff.*

These issues are commented on in detail in the attachment to this letter. We would be happy to meet with you to discuss what actions could be taken to address these concerns. The UAC appreciates your consideration of these comments. We also ask that you clarify the process that DNR will use for posting and responding to significant comments on the RIR prior to promulgation of the rule so that we can better understand the process and develop a plan to work with you to resolve these issues.

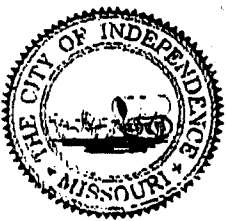
Please feel free to contact us should you have any questions related to these issues.

Sincerely,



Mary E. West
Director of Public Utilities

Cc: Urban Areas Coalition



City of Independence

WATER POLLUTION CONTROL DEPARTMENT

P.O. BOX 1019 • INDEPENDENCE, MISSOURI 64051-0519 • (816) 325-7711 • FAX (816) 325-7722

AN EQUAL OPPORTUNITY EMPLOYER

December 16, 2004

Ms. Marlene Kirchner
Commission Secretary
Missouri Clean Water Commission
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102

Re: Comments on the Regulatory Impact Reports for Proposed Rule Amendments
10 CSR 20-7.015 and 10 CSR 20-7.031

Dear Ms. Kirchner:

The City of Independence Water Pollution Control Department supports the Urban Areas Coalition (UAC) Comments on the Regulatory Impact Report for Proposed Rule Amendment 10 CSR 20-7.015 Effluent Regulations and on the Regulatory Impact Report for Proposed Rule Amendment 10 CSR 20-7.031 Water Quality Standards. Copies of the UAC comment letters are transmitted herewith.

If you have any questions or wish to discuss these matters further, please feel free to contact me or Dorris Bender at (816) 325-7711.

Sincerely,

A handwritten signature in black ink, appearing to read "Dick Champion, Jr.", is written over a horizontal line.

Dick Champion, Jr.
Director, Water Pollution Control

DC:db

Enclosures

c: Commissioner Thomas Herrmann, c/o Ms. Marlene Kirchner, DNR